

MEMORANDUM

May 10, 1973

TO: BOSTON REDEVELOPMENT AUTHORITY 21

FROM: Robert T. Kenney, Director

SUBJECT: ZONING TEXT AMENDMENT APPLICATION NO. 34; COMPENDIUM
OF MINOR CHANGES

Since the last printing of the Boston Zoning Code in 1968, fourteen text amendments have been adopted and another is pending. The Building Department proposes to issue an updated version of the Code which will incorporate the amendments.

The purpose of the attached draft is to enact a number of relatively minor text changes before the reprinting of the Code. Most of these correct minor oversights occurring in previous amendments; some are substantive changes.

Item 1A. The new Boston Building Code defines "penthouse" as "Enclosed occupiable space..."; the Zoning Code excludes penthouses from the measurement of the height of the building. From the context in which the word is used, it is clear that the authors of the Zoning Code intended to exclude mechanical penthouses (air conditioners, elevator shafts) not designed for human occupancy. The definition is changed to drop the word penthouse as used in the definition of "height of building".

Item 1B. The words "row house" are used in Table A of Section 8-7 and Table B of Section 13-1 but are not defined. This is now remedied.

Item 2 remedies an oversight inherent in the original Code and compounded by subsequent creation of new districts with height limits. At the time the Code was enacted, there was an H-2-65 district for Beacon Hill but no indication, in Section 3-1, of the meaning of the final digits. Since then, the Code has been amended to add H-1-50, H-5-70, B-4-70 and B-8-120 districts with height limits indicated by the final digits; the meaning of this digit should be spelled out in Section 3-1.

Items 3A and 3B. Use Item No. 16 has been subdivided into 16 and 16A to separate elementary and secondary schools from colleges and universities without altering references to uses accessory to educational institutions. This oversight is corrected by these items.

Item 3C. Use Item No. 39, a professional office, is allowed in an H-1, H-1-70, H-2 or H-3 district only if it is within 200 feet of an H-4, H-5, H-5-70, L, B, M, I or W district. The H-2-65 district should be included in the districts where this restriction prevails.

Items 3D, 3E and 14A have to do with standardizations of symbols. Amendments to the Code are usually indicated by a double plus (‡) sign but sometimes by an asterisk (*). It is recommended that ‡ be reserved for indicating amendments to the text and that when # is used for other purposes in the Code it be replaced by an asterisk.

Item 4 replaces a missing asterisk in the new sign control amendment referring to the allowance of a 50 sq. ft. maximum sign area for sign frontages of less than 25 feet.

Item 5. The sentence to be deleted is superfluous, as the powers of the Building Department regarding unsafe signs are spelled out in the Building Code.

Items 6A, 6B, 6C and 9 are interrelated amendments to the table of dimensions and special provisions for corner lots which recognizes the established pattern in the Back Bay of front (or side) yards of 20-22 feet on east-west streets with no front or side yards on north-south streets.

Item 7. At present, suitably designed and accessible space on balconies and roofs (other than the roof of main structures) can be counted toward the usable open space requirement in H-3, H-4, H-5 and H-5-70 districts. The amendment would allow such space to be credited to the open space requirements in the H-2-65 (Beacon Hill) district and could encourage greater utilization of such space for recreational use.

Item 8. There is a conflict in the code in that signs are not listed among the structures allowed in a front yard (Section 18-1), but post signs are specifically allowed in a front yard in a residential district with certain limitations (Section 11-1). In those districts where post signs are specifically allowed, they should be allowed in front yards, and signs attached perpendicular to a building should be allowed to project over a front yard.

Item 9. Section 6A, 6B and 9.

Item 10. Section 20-7. Rear Yards of Through Lots was inserted in 1967 to require that the front yard, not rear yard, requirements apply to the rear of through lots. This can create a hardship in cases when the rear street is in actuality a service alley.

Items 11, 12, 13, 14B and 14C all have to do with the creation, by amendment, of Use Items 16A, 34A, 36A and 60A, and failure, in some cases, to insert them into the lists of use items in Articles 25 and 24 which set up the off-street parking and loading requirements by use item numbers.

As the attached draft of amendments has not yet been approved by the City Law Department, I request that the Authority approve them in principle, recognizing that the final version may vary in minor details from this draft. I further request that the Advisor to the Zoning Commission be authorized to submit the final version to the Zoning Commission.

VOTED: That the Boston Redevelopment Authority hereby authorizes the Advisor to the Zoning Commission to petition said Commission for an amendment to the text of the Boston Zoning Code in substantial accord with the attached draft.

Text Amendment Application No.
Advisor to the Zoning Commission

TO THE ZONING COMMISSION
OF THE CITY OF BOSTON:

Acting under the provisions of Chapter 665 of the Acts of 1956, as amended, the Advisor to the Zoning Commission hereby petitions the Zoning Commission for an amendment to the Boston Zoning Code as follows:

1. By amending Section 2-1, respecting the meaning of certain words and phrases, as follows:

A. By striking out in clause (23), respecting the definition of "Height of building", the phrase "excluding penthouses and roof structures", and inserting in place thereof the following phrase:

excluding roof structures normally built above the roof and not devoted to human occupancy,

B. By inserting, following clause (38), the following clause:

(38A) "Row house", One of a group of three or more houses sharing a common or party wall on one or both side lot lines.

2. By inserting into the first paragraph of Section 3-1, respecting the division of city into districts, following the phrase "each of which is further subdivided into subdistricts identified by a number which represents maximum allowed floor area ratio", the following phrase:

and some of which have a second number which represents a height limit, as follows:

3. By amending Table A of Section 8-7, respecting use regulations as follows:
 - A. By inserting in Use Item No. 20, respecting a library or museum, following the words "accessory to a use listed under Use Item No. 16" the following number:
or 16A
 - B. By inserting in Use Item No. 24, respecting scientific research and teaching laboratories, following the phrase "accessory to a use listed under Use Item No. 16", the following number:
16A,
 - C. By inserting in the footnote of Use Item No. 39, respecting the office of an accountant, architect, etc., after the phrase "Provided that if in a H-1, H-1-70, H-2," the following subdistrict designation:
H-2-65,
 - D. By striking out the symbol ‡ as it appears in Use Item No. 68, respecting Industrial Uses, in the column headed W, and in the second footnote, and inserting in place thereof, in each instance, the following symbol:
*
E. By striking out the symbol ‡ as it appears in Use Item No. 69, respecting industrial uses, in the column headed W, and in the second footnote under "68 Any of the following uses" and inserting in place thereof, in each instance, the following symbol:
*

4. By inserting in Section 11-2 in the schedule of maximum square feet of permanent signs on a sign frontage, after the number 2 in the first line of the second column, and before the word "Excepting" in the first sentence below the said schedule the following symbol:

*

5. By striking out in Section 11-5 the last sentence, which reads "A non-conforming sign which is deemed unsafe by the building official shall be removed by its owner".
6. By amending Table B of Section 13-1 as follows:
 - A. By striking out the number "20" as it is set against the lines starting with "H-5-70" and "B-4-70" in the column headed "Front Yard minimum depth feet", but retaining the reference to footnote (10).
 - B. By striking out the two references to footnote (8) as they are set against the lines starting with "B-8-120" in the clause headed "Front Yard minimum depth feet", and inserting in place thereof the following references:

(fn. 10)

(fn. 10)
 - C. By striking out footnote (10) as inserted on February 17, 1971, and inserting in place thereof the following footnote:

(10) 20 feet on east-west streets, none on north-south streets.
A bay window, as defined in Section 2-1, may protrude into a front yard, Section 18-1 notwithstanding. See also Sections 18-1 and 18-2.
7. By striking out in Section 17-1, respecting minimum usable open space, the end of the first sentence beginning with the words "except that..." and inserting in place thereof the following exception:

except that in H-2-65, H-3, H-4 and H-5-70 districts all or part of this requirement may be met by suitably designed and accessible space on balconies of main buildings or on the roofs of wings of main buildings or on the roofs of accessory buildings.

8. By inserting at the end of Section 18-1 the following phrase:
 , and except also signs that conform with Article 11.
9. By amending Section 19-6, respecting special provisions for corner lots as follows:

- A. By striking out in paragraph (b) the words "In an H district," and inserting in the place thereof the following words:-

In any H district with the exception of an H-5-70 district,

- B. By inserting in paragraph (b), after the words "and in all other districts," the words

excepting for B-4 and B-8 districts or

- C. By inserting after paragraph (b) the following paragraph:-

(c) In H-5-70, B-4-70 and B-8-120 districts, regardless of the orientation of a building on a corner lot, the minimum depth of yards abutting the east-west streets is 20 feet and no yards are required on north-south streets.

10. By striking out Section 20-7, as inserted on April 14, 1967, and inserting in place thereof the following section:

SECTION 20-7. Rear Yards of Through Lots. The front yard requirements of this code, and not the rear yard requirements of this Article, shall apply to that part of a rear yard which is also a street line, except in the case of a rear yard which abuts a street less than twenty feet in width.

11. By inserting into the list of use items listed in Section 23-3, respecting off-street requirements for institutional uses, following the words "Use Item Nos. 16," the following number:

16A,

12. By inserting into the list of use items in Section 23-4, respecting off-street parking requirements for retail and offices uses, in their proper numerical sequence the following numbers:

34A,

36A,

13. By inserting into the list of use items in Section 23-5, respecting off-street parking requirements for factory and warehouse uses, following the number 60 the following number:

60A,

14. By amending the schedule in Section 24-1, respecting off-street loading requirements, as follows:

- A. By striking out the symbol \ddagger as it appears in the bottom line of the last column and in the second footnote, and inserting in place thereof, in each instance, the following symbol:

#

- B. By inserting into the list of Group II uses in the fourth footnote to the schedule following the number 16, the following number:

16A

- C. By inserting into the list of Group III uses in the fifth footnote to the schedule in their proper numerical sequence the following numbers:

34A

36A

